

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USA, ex rel; PRIVATE ATTORNEY GENERAL,
STEPHEN P. WALLACE, and all LAWFARE Parties
Adversely situated,

INTERVENORS,

vs.

CASE #: 1:16-cv-08569-LAP

ETON PARK CAPITAL MANAGEMENT L.P.

vs.

ARGENTINE REPUBLIC and YPF S.A.

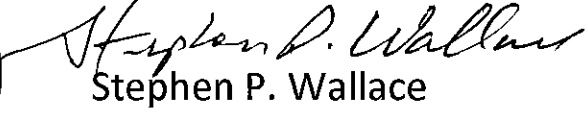
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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
NOV 29 2023

**EMERGENCY MOTIONS TO INTERVENE AND FOR TEMPORARY INJUNCTION
FOR "LAWFARE" BEING ALLEGEDLY PERPETRATED, UNDER COLOR OF LAW**

Come now INTERVENORS whom have just had JUDICIAL NOTICE and Actual Knowledge that ARGENTINA will undergo a Change of Power on [11/05/2023], and the COURT has mandated that the Argentinian Parties must POST A BOND by [11/02/2023] for [\$16.1 Billion], where Intervener's allege that the Opposing Parties in the Instant Case seek illicit Jurisdiction over said SOVEREIGN PARTIES, whose Counsel should have REMOVED the MATTER to the [ICJ] International Court in THE HAGUE, for JURISDICTION is Proper for Subject Matter Jurisdiction.

- 1 That the enclosed Bloomberg Law article CONFIRMS that BUFORD CAPITAL will receive "more than 37,000% return on its Assignment interest", aka RICO;
- 2 That the CASE LAW submitted supports the Allegation, with the largest LIST of COUNSEL, knowingly or unknowingly participating in the **RICO ENTERPRISE**;
- 3 That INTERVENORS move the Court on an EMERGENCY BASIS, to STAY the Case via a Temporary Injunction, "For Good Cause Shown & In the Interest of Justice".

November 29, 2023
ups Overnight

(Whistleblower) 
Stephen P. Wallace
PO Box 11884
Riviera Beach, Florida 33404

Interveners' will forward a Copy & Exhibits to all Interested Parties via PDF.
Enclosures-in-Support



Private attorney general

From Wikipedia, the free encyclopedia

Private attorney general is an informal term usually used today in the United States to refer to a private party who brings a lawsuit considered to be in the public interest, i.e., benefiting the general public and not just the plaintiff.^[1] The person considered "private attorney general" is entitled to recover attorney's fees if he or she prevails. The rationale behind this principle is to provide extra incentive to private citizens to pursue suits that may be of benefit to society at large.

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Examples of application

Many civil rights statutes rely on private attorneys general for their enforcement. In *Newman v. Piggie Park Enterprises*,^[2] one of the earliest cases construing the Civil Rights Act of 1964, the United States Supreme Court ruled that "A public accommodations suit is thus private in form only. When a plaintiff brings an action . . . he cannot recover damages. If he obtains an injunction, he does so not for himself alone but also as a 'private attorney general,' vindicating a policy that Congress considered of the highest priority." The United States Congress has also passed laws with "private attorney general" provisions that provide for the enforcement of laws prohibiting employment discrimination, police brutality, and water pollution. Under the Clean Water Act, for example, "any citizen" may bring suit against an individual or a company that is a source of water pollution.^[citation needed]

Another example of the "private attorney general" provisions is the Racketeer Influenced and Corrupt Organizations Act (RICO). RICO allows average citizens (private attorneys general) to sue those organizations that commit mail and wire fraud as part of their criminal enterprise.^[citation needed] To date, there are over 60 federal statutes^[citation needed] that encourage private enforcement by allowing prevailing plaintiffs to collect attorney's fees.

Attorneys who function as a private attorney general do so without compensation. The statutes permitting a plaintiff to recover attorneys' fees have been held not to apply when the plaintiff is an attorney.

Civil Rights Attorney's Fees Award Act

The U.S. Congress codified the private attorney general principle into law with the enactment of Civil Rights Attorney's Fees Award Act of 1976, 42 U.S.C. § 1988 (<http://www.law.cornell.edu/uscode/42/1988.html>). The Senate Report on this statute stated that The Senate Committee on the Judiciary

Eton Park Capital Management L.P. v. Argentine Republic (1:16-cv-08569)

District Court, S.D. New York

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Last Updated: Nov. 28, 2023, 9:18 a.m.

Assigned To: Loretta A. Preska (/person/2623/loretta-a-preska/)

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 Docket Entries (/docket/4524982/eton-park-capital-management-lp-v-argentine-republic/)

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LEGAL RESEARCH: "Fix case"

[03/08/2012 - 01/07/2012]

SEARCH: "fix case" s/judge

U.S. v. Gardiner, 463 F.3d 445, 463-64 (6th Cir. 2006)

[Fed #2 of 30]

While we agree with Lupo that *Howard* and *Grunewald* stand for the proposition that a distinction should be made between acts of concealment done in furtherance of the criminal conspiracy and those taken after the criminal objectives have been obtained, we do not believe that Lupo has definitively established in this case that the alleged conspiracy and his involvement in the alleged conspiracy terminated prior to 2002. In *United States v. Mayes*, 512 U.S. 637, 642 (6th Cir. 1975), we held that "where a conspiracy contemplates a continuity of purpose and continued performance of acts, it is presumed to exist until there has been an affirmative showing that it has terminated; and its members continue to be conspirators until there has been an affirmative showing that they have withdrawn." In *Mayes*, we concluded that the government had met its burden of establishing that the defendants were part of a single conspiracy to transport and sell in interstate commerce stolen automobiles; and that the government had shown that the acts occurred over an extended period of time; involved many people, and was very successful until it was detected. *Id.*; see also *United States v. Etheridge*, 424 F.2d 951, 964 (6th Cir. 1970).

The *Mayes* principle of continuity and purpose has been used by some of our sister circuits in RICO conspiracy cases to establish that a defendant's acts to conceal his involvement in a criminal enterprise do extend the conspiracy for the purpose of the RICO statute. In *United States v. Maloney*, 71 F.3d 645, 660 (7th Cir. 1995), the Seventh Circuit held, in a RICO conspiracy case in which a state court judge in Chicago was indicted for receiving bribes to "fix" cases that came before him, that "[c]oncealment [] was an overt act in furtherance of the conspiracy's main objective." The Court reasoned that the main criminal objective to fix cases was neither accomplished nor abandoned as long as the defendant judge was on the bench, and the conspirator attorney continued to practice before him. *Id.* The *Maloney* Court distinguished *Grunewald* on the ground that the conspiracy's main final objective was never finally attained. *Id.* at 659. According to the Court, "[u]nlike many . . . concealment cases where the object of the conspiracy was a discrete criminal act, here we dealt with a crime that had no specific terminating event." *Id.* at 659-60 (citations and quotations omitted). The Seventh Circuit stated that "[a]s long as the conspiracy is presumed to exist, acts of concealment are presumed to occur during the period of the conspiracy and are not introduced for the purpose of extending the life of the conspiracy." *Id.* at 660 n.10; see also *United States v. Spero*, 331 F.3d 57, 60 (2d Cir. 2003) (relying upon the above quote from *Mayes*, the Second Circuit found that generalized loan sharking activity is exactly the type of activity that "contemplates a continuity of purpose (and) continued performance of acts," and that "[a]ccordingly, once the Government met its burden of proof by establishing that the loansharking conspiracy existed, it was entitled to a presumption that the conspiracy continued until defendant demonstrated otherwise," and that the burden was on [464] the defendant to prove affirmatively that the conspiracy alleged was terminated before the date asserted as the end of the conspiracy, or that he withdrew from the conspiracy prior to that date in order to sustain his statute of limitations challenge).

Merely because the bribes may have ended because the government had begun an investigation into some of the individuals involved, does not mean that the criminal objectives of the conspiracy had all been achieved, nor does it demonstrate that Lupo had withdrawn from the conspiracy. In fact, Lupo's alleged withdrawal from the conspiracy is belied by the 2002

NO conspiracy
re-bribery
judge/attys

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Business & Practice

Oct. 11, 2023, 12:41 PM EDT

Argentina Appeals \$16 Billion Verdict in Litigation-Funded Case

By Emily R. Siegel

- Argentina appeals case over seizure of oil company
- The case is backed by litigation funder Burford Capital

Argentina appealed a \$16 billion verdict in a lawsuit over its 2012 seizure of oil company YPF SA.

Argentina sought the reconsideration Tuesday in the US Court of Appeals for the Second Circuit. The appeal includes US District Judge Loretta Preska's March order that granted summary judgment to investors who claimed the country didn't offer a payout to shareholders as required when Argentina nationalized YPF in 2012.

Petersen Energia Inversora, S.A.U. and other investors filed suit in 2015. The drawn-out litigation included an unsuccessful appeal to the US Supreme Court by Argentina in 2019.

Preska ruled on the amount after a three-day trial in July in Manhattan regarding the appropriate formula to calculate the amount of damages Argentina owed shareholders. In September, she ordered Argentina to pay \$8.4 billion in damages and \$7.6 billion in interest to shareholders, a sharp blow as the country's financial situation has grown increasingly precarious.

The case was backed by litigation funder Burford Capital, which acquired the right to pursue the claims for 15 million euro (\$16.6 million) in 2015. The funder's share is around \$6.2 billion, which would give Burford a more than 37,000% return on its initial investment.

Burford declined to comment.

In the 1990s, when Argentina privatized its oil company, it included language in its bylaws that if the country decided to nationalize the entity in the future it must give a tender offer to all Class D shares at a predetermined price.

But when Argentina nationalized YPF in 2012, Deputy Economy Minister Axel Kicillof, the vice-intervenor of YPF, said the tender offer requirement was a "bear trap" and that only "fools" would expect Argentina and YPF to honor it, according to a court filing.

Petersen Energia Inversora v. Argentina Republic, S.D.N.Y., The case is: 16-cv-08569-LAP, 10/10/23



WIKIPEDIA
The Free Encyclopedia

Lawfare

Lawfare is the use of legal systems and institutions to damage or delegitimize an opponent, or to deter an individual's usage of their legal rights.^{[1][2][3][4]}

The term may refer to the use of legal systems and principles against an enemy, such as by damaging or delegitimizing them, wasting their time and money (e.g. SLAPP suits), or winning a public relations victory.

Alternatively, it may describe a tactic used by repressive regimes to label and discourage civil society or individuals from claiming their legal rights via national or international legal systems. This is especially common in situations when individuals and civil society use non-violent methods to highlight or oppose discrimination, corruption, lack of democracy, limiting freedom of speech, violations of human rights and violations of international humanitarian law.

Etymology

The term is a portmanteau of the words *law* and *warfare*. Perhaps the first use of the term "lawfare" was in the 1975 manuscript *Whither Goeth the Law*, which argues that the Western legal system has become overly contentious and utilitarian as compared to the more humanitarian, norm-based Eastern system.^[5]

A more frequently cited use of the term was Charles J. Dunlap, Jr.'s 2001 essay authored for Harvard's Carr Center.^[5] In that essay, Dunlap defines lawfare as "the use of law as a weapon of war".^[6] He later expanded on the definition, explaining lawfare was "the exploitation of real, perceived, or even orchestrated incidents of law-of-war violations being employed as an unconventional means of confronting" a superior military power.^[7]

Colonel Charles Dunlap describes lawfare as "a method of warfare where law is used as a means of realizing a military objective".^[8] In this sense lawfare may be a more humane substitute for military conflict. Colonel Dunlap considers lawfare overall a "cynical manipulation of the rule of law and the humanitarian values it represents".^[8]

Benjamin Wittes, Robert Chesney, and Jack Goldsmith employed the word in the name of the Lawfare Blog, which focuses on national security law and which has explored the term and the debate over what lawfare means and whether it should be considered exclusively a pejorative.^{[9][10]}

Universal jurisdiction

Lawfare may involve the law of a nation turned against its own officials, but more recently it has been associated with the spread of universal jurisdiction, that is, one nation or an international organization hosted by that nation reaching out to seize and prosecute officials of another.^[11]

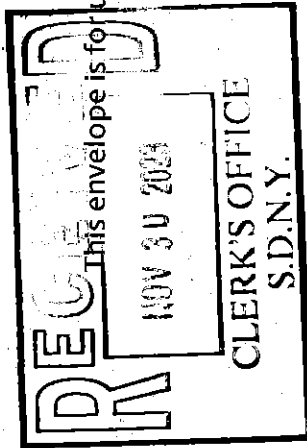
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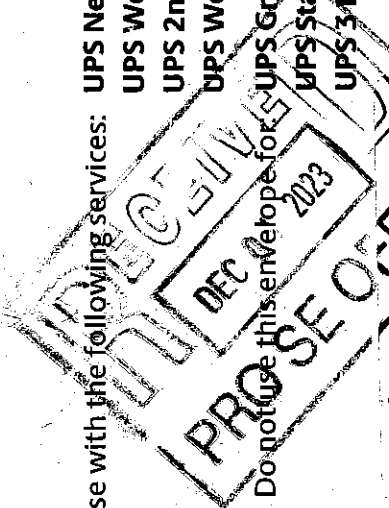


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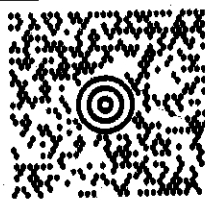


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SHP WT: LTR
DATE: 29 NOV 2023



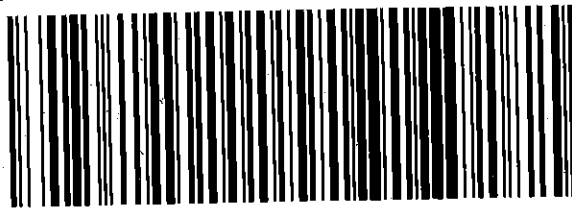
NY 102 9-10



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BILLING: P/P

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